

4/16/19

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Chapter No. 45  
19/HR43/A811SG  
CST/FF

## ***HOUSE BILL NO. 1641***

Originated in House



Clerk

HOUSE BILL NO. 1641

AN ACT MAKING AN APPROPRIATION FROM GENERAL FUNDS IN THE STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE MISSISSIPPI PUBLIC SERVICE COMMISSION FOR THE FISCAL YEAR 2020.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Funds not otherwise appropriated, for the purpose of defraying the expenses of the Mississippi Public Service Commission for the fiscal year beginning July 1, 2019, and ending June 30, 2020 .....

..... \$ 4,522,303.00.

**SECTION 2.** The following sum, or so much thereof as may be necessary, is appropriated out of any money in the special fund in the State Treasury to the credit of the Mississippi Public Service Commission which is comprised of special source funds collected by or otherwise available to the commission, for the purpose of defraying the expenses of the commission for the fiscal year beginning July 1, 2019, and ending June 30, 2020 .....

..... \$ 503,300.00.

**SECTION 3.** Of the funds appropriated under the provisions of Section 1, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	69
	Part Time .....	6
Time-Limited:	Full Time .....	5
	Part Time .....	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2021 do not exceed Fiscal Year 2020 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2020 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2020 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2020 "Personal Services"

appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Funds are provided herein for all full-time employees to receive up to a Three Percent (3%) pay increase to the realignment component of the Variable Compensation Plan, excluding head of agencies, board members and commission members.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

**SECTION 4.** In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2020
<u>Performance Measures</u>	<u>Target</u>
Utility Regulatory Services	
Number of Utility Docket Cases	250
Total Number of Utility Complaints	4,675
Electric Complaints as a Percentage of	
Total (%)	49.00
Telecommunication Complaints as a	
Percentage of Total (%)	32.00
Water Complaints as a Percentage of	
Total (%)	10.00
Gas Complaints as a Percentage of Total (%)	8.00
Sewer Complaints as a Percentage of	
Total (%)	1.00
Average Cost per Utility Complaint (\$)	650.00
Time To Resolve Utility Complaints (days)	3
Average Price of Electricity per	
Kilowatt Hour in MS for Residential	

Customers, by Utility Type:	
Investor-Owned Utilities (cents/kWh)	0.11
Average Price of Electricity per	
Kilowatt Hour in MS for Residential	
Customers, by Utility Type: Electric	
Cooperatives (cents/kWh)	0.11
Average Price of Electricity for	
Residential Customers in MS as a	
Percentage of the April 2016 National	
Average, 12.43 Cents/kWh - Investor	
Owned Utilities(%)	86.89
Average Price of Electricity for	
Residential Customers in MS as a	
Percentage of the April 2016 National	
Average, 12.43 Cents/kWh - Electric	
Cooperative (%)	95.14
Average Monthly Residential Electric	
Usage in MS (kWh)	1,250
Average Monthly Residential Electric	
Usage in MS as a Percentage of the 2015	
National Average, 909 kWh (%)	134.50
Number of Pipeline Inspections	650
Average Cost per Pipeline Inspection (\$)	883.00
A reporting of the degree to which the performance targets	
set above have been or are being achieved shall be provided in the	

agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2021.

**SECTION 5.** None of the funds herein appropriated by this act to the Public Service Commission shall be expended for any purpose that is not actually required or necessary for performing any of the powers or duties of the Mississippi Public Service Commission that are authorized by the Mississippi Constitution of 1890, state or federal law, or rules or regulations that implement state or federal law.

**SECTION 6.** It is the intention of the Legislature that the Public Service Commission shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2019. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2021 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2020 budget request process.

**SECTION 7.** In addition to all other sums herein appropriated, the following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Public Service Commission to administer the

Mississippi Telephone Solicitation Act, for the fiscal year  
beginning July 1, 2019, and ending June 30, 2020 .....  
..... \$ 69,865.00.

**SECTION 8.** In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2020
<u>Performance Measures</u>	<u>Target</u>
Telephone "no-call"	
Number of NO-CALL Complaints	15,445
Average Cost per NO-CALL Complaint (\$)	20.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2021.

**SECTION 9.** It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to



the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

**SECTION 10.** It is the intention of the Legislature that the Public Service Commission shall compile the amount of time that is expended on each regulated entity during Fiscal Year 2019. On or before August 1, 2019, the Public Service Commission shall report these findings to the House of Representatives' Public Utilities Committee.

**SECTION 11.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

**SECTION 12.** This act shall take effect and be in force from and after July 1, 2019.


PASSED BY THE HOUSE OF REPRESENTATIVES  
March 27, 2019

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 28, 2019

  
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PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
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GOVERNOR  
April 16, 2019  
11:30 AM